

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSH AUXIER and COLEEN AUXIER,

Plaintiffs,

v.

SUTTELL & HAMMER, P.S.;
FREDERICK J. HANNA &
ASSOCIATES, P.C.; NORTHSTAR
LOCATION SERVICES, LLC; and FIA
CARD SERVICES, N.A a/k/a BANK OF
AMERICA,

Defendants.

CASE NO. C12-288MJP

ORDER GRANTING DEFENDANT
NORTHSTAR LOCATION
SERVICES, LLC'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on the motion for summary judgment filed by Defendant Northstar Location Services, LLC ("Northstar"). (Dkt. No. 39.) Having reviewed the motion and the remaining record, and noting Plaintiffs' failure to file any opposition, the Court GRANTS the motion.


Northstar's motion for summary judgment asserts that Plaintiffs' claim against Northstar for violation of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et. seq., is barred by

1 the applicable one-year statute of limitations, that Plaintiffs' claims for violation of the Fair
2 Credit Reporting Act, 15 U.S.C. § 1681 et. seq., fail as a matter of law, and Plaintiffs' claim for
3 violation of Washington's Consumer Protection Act, RCW 19.86, fails to plead the required five
4 elements of a CPA claim. (Dkt. No. 39 at 1-2.)

5 Northstar's motion was filed on December 31, 2012. (Dkt. No. 39.) Pursuant to LCR
6 7(d)(3), Plaintiffs' opposition brief was due January 21, 2013. However, Plaintiffs have filed no
7 papers opposing Defendant's motion. LCR 7(b)(2) explains that a party's failure to file papers in
8 opposition to a motion may be considered an admission that the motion has merit. Therefore,
9 pursuant to LCR 7(b)(2), the Court deems Plaintiffs to have admitted that the motion has merit,
10 and the Court GRANTS Defendant Northstar's motion. Plaintiffs' claims against Defendant
11 Northstar are hereby DISMISSED with prejudice.

12 The clerk is ordered to provide copies of this order to Plaintiff and to all counsel.

13 Dated this 30th day of January, 2013.

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16 Marsha J. Pechman
17 United States District Judge
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